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Regional Supervision Centres for Environmental Protection in China: Functions and Limitations

HUAN Qingzhi

Abstract: China's Ministry of Environmental Protection (MEP), has set up six regional Supervision Centres for Environmental Protection (SCEPs) in recent years. The creation of the SCEPs reflects the "green will" of Chinese government, to reverse the ever-worsening environmental situation throughout China by strengthening vertical supervision of the environmental laws and policies enforcement. A primary analysis focusing on the South China Supervision Centre (SCSC) has clearly shown, however, that the SCEPs today can only perform well in the concrete or "small" tasks – most of them designated or handed over by the MEP – rather than in the complicated or "big" issues. To make the SCEPs do more and better, the most desirable but radical policy choice is to reshape them into fully authorised regional "sub-bureaus" of the MEP.

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Keywords: China, regional supervision centres for environmental protection, environmental policy/ politics, implementation, functions/ limitations

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Introduction

Modelling itself on the Environmental Protection Agency in the US, China's Ministry of Environmental Protection (MEP) has created six regional Supervision Centres for Environmental Protection (SCEPs) in recent years (Li 2009; Wang Pan 2007). But what is the role of these SCEPs in improving the enforcement of national environmental laws/policies, and what internal and external restrictions are they encountering in fulfilling their designated functions? This article¹ offers a primary analysis of the development and performance of the SCEPs by taking the South China Centre located at Guangzhou as an example. The paper sheds some light on the complexity of the strengthening/ reconstruction of the vertical supervision of environmental protection in China. It starts with a general review of historical development, organisational structure and supervisory competences/ functions of the SCEPs. In part two, I will describe in detail how the South China Centre works in reality – its major achievements and frustrations in exercising its powers. The third section will focus on what further reform measures should be introduced in order to improve governing performances of the SCEPs.

Establishment and Development of the SCEPs in China

There are numerous arguments in support of creating the MEP's regional offices/ centres, which are to some extent similar to those in industrialised countries such as the US, Japan and the EU member states (Qi 2008; Xue 2007; Yang and Xie 2002; Yi 2005; Yu 2006). First of all, a major characteristic of the Chinese system of environmental supervision and management is that the national government, especially the MEP, is commonly recognised as the main responsibility-holder for protecting

1 An earlier version of this article was presented to the international conference "Implementation of environmental policies in urban and rural China: Successes, problems and deficits" held 18–20 May 2010 at the University of Duisburg-Essen. The author would like to thank the two organisers, Thomas Heberer and Dieter Grunow, for their kind invitation and reception. Two anonymous readers and Flemming Christiansen have offered very insightful and constructive suggestions for its revision. In addition, Li Xiangqun, an SCSC staff member who was working toward his MPA at Shandong University 2006–2009, has made some special contributions to this research, and to the data collection in particular.

the ecological environment and improving people's living standards. Accordingly, in order to meet the ever-increasing need for a better environment, the "environmental state" or the MEP should be bestowed with greater powers and authority. Second, given the specific Chinese context – a much longer than expected process of economic modernisation – the local (provincial, municipal and county) governments as well as their political leaders are tempted and/ or propelled to take a strategy of developmentalism at the cost of the ecological environment (Jahiel 1998; Ma and Ortolano 2000; Qi 2008). As a result, the national government has to fill this "gap" by holding an extra responsibility for supervising/promoting the local governments to pay more attention to the general and long-term interests of the people/ nation. Third, China is geographically a huge country with a very high diversity of ecology and economic and social development, and a long historical-cultural tradition, all of which makes an intermediate level of environmental management between the MEP and the provinces indispensable. Fourth, in recent years, the Chinese government has been under strong domestic and international pressure to take the environmental problems more seriously and deal with them from a systemic and national perspective. To that end, President Hu Jintao called for (re-)establishing a renewed environmental system of supervision and management – *guojia jiancha* (国家监察, state supervision), *difang jianguan* (地方监管, inspection and management by local governments), *danwei fuzé* (单位负责, units responsible) – at the symposium on population, resources and environment organised by the Central Committee of the Chinese Communist Party (CCP) in early 2005. This policy guideline was further expounded upon by Premier Wen Jiabao at the Sixth National Environmental Conference held in April 2006. As a result, increasing energy efficiency by 20 per cent per GDP unit is ranked as one of the rare binding indicators for the eleventh Five-Year Plan (2006–2010), for which the MEP undertakes the responsibility of supervising and inspecting *jienerg jianpai* (节能减排, energy saving and emission reduction) policy implementation and statistics verification.

There are two institutional models for the MEP's regional offices/centres: 1) regional supervision centres for environmental protection affiliated with the MEP and 2) formal regional sub-bureaus of the MEP. Of course, the key points are whether the regional offices/centres are vested with full authority by the MEP on behalf of the national government, and to what extent they are able to deal with local governments

independently and autonomously. In the former case, creating the regional centres would mainly be a reform within the institutional framework of the MEP (CEEP 2007), while for the latter case it would necessarily touch upon lots of cross-boundary administrative and legal issues (Wang Canfa 2007). What is noteworthy is that many Chinese scholars/activists prefer the second model, regarding it as the primary step in turning the current horizontal system of environmental supervision and management into a vertical one, and arguing that such a transformation is an absolute necessity to achieve the general/ long-term goals of environmental protection in China (Ma 2007; Renmin University 2007).

The State Environmental Protection Agency (SEPA) of China, predecessor of the MEP, made its first attempt to create regional centres in 2002. Based on the organisation of the Nanjing Institute of Environmental Science and the South China Institute of Environmental Science, the East China Centre and the South China Centre of the SEPA were set up at Nanjing, Jiangsu Province, and at Guangzhou, Guangdong Province, as regional supervisory institutions. Dissatisfied with the overall performance of these two centres in 1) strengthening inter-provincial regional and river basin environmental management and 2) improving state supervision and handling of severe cross-provincial environmental issues and emergent events, the SEPA decided in 2006 to (re-)establish its five regional centres: East China (Nanjing), South China (Guangzhou), Northwest (Xi'an), Southwest (Chengdu) and Northeast (Shenyang) (Zhao 2006). In addition, its North China Centre (Beijing) was set up one year later. These six regional SCEPs together cover the national territories of 31 provinces, municipalities and autonomous regions on the Chinese mainland.

Each SCEP is both a *paichu jigou* (派出机构, regional agency) of the MEP and an MEP-affiliated *shiyew danwei* (事业单位, institution) (Zhang 2006). Functionally, the SCEPs are vested with the authority to supervise and inspect the enforcement of national environmental laws and regulations within their jurisdictions on behalf of the MEP, especially focusing on the severe cross-provincial regional and river basin environmental issues and emergent events. However, the SCEPs can neither make any substantial environmental administrative decision – to reward or punish – by themselves (power reserved for the MEP and its formal component *si/ ju* (司/ 局, departments)) nor mediate as an independent actor between the MEP and the provincial governments. In this sense, the SCEPs seem very much like a regional information-gathering or consul-

tative agency of the MEP. Or to cite Zhang Lijun, vice-minister of the MEP, they are to “supervise and inspect, mediate, and provide services” (Zhang 2006).

According to the “Working Rules” (an unpublished document laid out by the MEP), the SCEPs are led by and responsible for the MEP – its Environmental Procuratorial Department conducts the contact and guidance responsibility for it. Daily, the SCEPs independently supervise and inspect the enforcement of national environmental laws and regulations. However, they are not allowed to take any significant action without the advance approval of the MEP and have no substantial power over the severe environmental issues under investigation by the MEP. In addition, it is clearly stated in the “Working Rules” that the operation of the SCEPs should not interfere, let alone replace, the environmental protection jurisdictions/ duties of provincial governments or their responsible departments.

As far as the organisational structure is concerned, the SCEPs are designed like an enlarged department of the MEP (with an authorised staff size of 30 to 65). In general, an SCEP consists of five parts: an administrative office, supervision section I, supervision section II, supervision section III and a regional mediation section. The administrative office is responsible for maintaining the daily operations and management of the centre and keeping 24-hour contact with the MEP. Supervision sections I and II are responsible for supervising and inspecting the implementation of national environmental laws, regulations and standards, especially focusing on the key pollution sources, large-scale development projects, and national nature reserves and significant ecological function reserves. Supervision section III is responsible for supervising and inspecting the emergency response to and handling of severe and/ or emergent environmental accidents and events, paying special attention to severe environmental pollution accidents and cross-provincial regional and river basin environmental pollution disputes. The regional mediation section is responsible for supervising and inspecting the management and handling of all environmental issues beyond the administrative boundary of province or river basin, and this section’s work varies from checking polluting charges collection to penalising those who cause environmental pollution accidents and/ or commit ecological destruction crimes.

Table 1: General Information on the SCEPs (as of June 2010)

	Year established	Location	Jurisdiction	# of Staff	Departments	Director
East China	2002/2006	Nanjing	Shanghai/ Jiangsu/ Zhejiang/ Anhui/ Fujian/ Jiangxi/ Shandong	24	6	高振宁 (Gao Zhenning)
South China	2002/2006	Guangzhou	Hubei/ Hunan/ Guangdong/ Guangxi/ Hainan	34	7	张剑明 (Zhang Jianming)
North-west China	2006	Xi'an	Shanxi/ Gansu/ Qinghai/ Ningxia/ Xinjiang	25	5	汪东青 (Wang Dongqing)
South-west China	2006	Chengdu	Chongqing/ Sichuan/ Guizhou/ Yunan/ Tibet	25	5	马宁 (Ma Ning) (till 2009)
North-east China	2006	Shenyang	Liaoning/ Jilin/ Heilongjiang	25	5	文毅 (Wen Yi)
North China	2007	Beijing	Beijing/ Tianjin/ Hebei/ Inner Mongolia/ Shanxi/ Henan	25	5	熊跃辉 (Xiong Yuehui)

Sources: Compiled by the author based on the data available on the MEP official website and his own collection.

Table 2: Evolution of the SCEPs' Duties since 2002

Working Rules for the SCEPs by the SEPA (September 2007)	Formation Plan for the SCEPs by the SEPA (July 2006)	Notice About How the Two SCEPs Operate by the SEPA (June 2002)
supervising the implementation of national environmental laws, regulations and standards	supervising the implementation of national environmental laws, regulations and standards	supervising the implementation of national environmental laws and regulations within its jurisdiction

<p>Working Rules for the SCEPs by the SEPA (September 2007)</p>	<p>Formation Plan for the SCEPs by the SEPA (July 2006)</p>	<p>Notice About How the Two SCEPs Operate by the SEPA (June 2002)</p>
<p>undertaking the investigation and handling of severe environmental pollution and ecological destruction cases</p>	<p>undertaking the investigation and handling of severe environmental pollution and ecological destruction cases</p>	<p>within the South China area, responding immediately to severe cross-provincial regional and river basin environmental accidents; undertaking the investigation and handling of severe environmental pollution and ecological destruction cases; participating in the mediation of severe environmental disputes</p>
<p>undertaking the mediation and handling of severe cross-provincial regional and river basin environmental disputes</p>	<p>undertaking the mediation and handling of severe cross-provincial regional and river basin environmental disputes</p>	
<p>participating in the supervision of the emergency response to and handling of severe environmental events</p>	<p>participating in the supervision of the emergency response to and handling of severe environmental events</p>	
<p>undertaking or participating in the inspection of national environmental law enforcement</p>	<p>undertaking or participating in the inspection of national environmental law enforcement</p>	<p>participating in the SEPA's inspection of national environmental law enforcement in the South China area</p>
<p>supervising and inspecting the key pollution sources and the implementation of environmental laws in national development projects</p>	<p>supervising and inspecting the key pollution sources and the implementation of environmental laws in national development projects</p>	<p>undertaking or participating in the environmental supervision of national large development projects</p>
<p>checking the emissions-cutting of major pollutants</p>		<p>participating in the supervision and controlling of environmental quality and key polluting sources in the South China area</p>
<p>supervising the implementation of environmental protection in key river basins</p>		
<p>supervising the implementation of environmental laws in national natural reserves and ecological function reserves</p>	<p>supervising the implementation of environmental laws in national natural reserves and ecological function reserves</p>	

Working Rules for the SCEPs by the SEPA (September 2007)	Formation Plan for the SCEPs by the SEPA (July 2006)	Notice About How the Two SCEPs Operate by the SEPA (June 2002)
dealing with complaints and mediating in cross-provincial regional and river basin environmental pollution and ecological destruction cases	dealing with complaints and mediating in cross-provincial regional and river basin environmental pollution and ecological destruction cases	
undertaking other tasks transferred by the SEPA	undertaking other tasks transferred by the SEPA	undertaking other tasks transferred by the SEPA
		participating in making the related environmental protection supervision regulations

Sources: Extracted by the author from the aforementioned three MEP/ SEPA documents.

To sum up, the establishment of the SCEPs can be understood as a concrete manifestation of “state will” (Xia 2007), which suggests that the Chinese government is determined to reverse the worsening environmental situation throughout China that has occurred simultaneously with the long-lasting economic growth of the past few decades (Day 2005; Economy 2004; McElroy, Nielsen, and Lydon 1998). Consequently, vertical supervision and inspection of the enforcement of national environmental laws, regulations and standards will be strengthened, indicating a more powerful and capable MEP, or “environmental state” (Cai 2007; Hu 2007; Mol and Carter 2006; Schwartz 2003; Xia 2006). Strictly speaking, though, empowerment of the SCEPs by the MEP is quite limited: They are designed mainly to act as regional information-gathering and dispute-mediating agencies of the MEP. In other words, the SCEPs, as regional agencies of the MEP, are only supervision- and inspection-focused and not vertically independent (Du 2007; Liu 2009; Xi 2007). In this sense, creation of the SCEPs can be considered a spatial extension and functional expansion of the Environmental Procuratorial Department of the MEP, or of the MEP as a whole. Thus, from the author’s point of view, we can evaluate the performances of these SCEPs by answering the following question: Is the institutional configuration of the SCEPs the most appropriate one to achieve their general/ long-term goals (to improve the enforcement quality of national environmental

laws/ policies) and concrete/ short-term goals (to enhance the supervisory capability of the MEP)? Based on such a methodological assumption, as well as on the data collected mainly from an investigation from 2008 to 2010 by a working group at Shandong/ Peking University, the following two sections will first describe in detail the case of the South China Centre and then make a primary analysis of the functions and limitations of the SCEPs in general.

How Do the SCEPs Actually Work? The Case of the South China Centre

As mentioned earlier, the South China Supervision Centre for Environmental Protection (SCSC) as one of the two first regional centres of the MEP was set up in June 2002. It aims to strengthen state supervision and inspection of environmental protection in general and severe cross-provincial, regional and river basin environmental issues in particular in the South China area. During the national building of the MEP's regional centres in July 2006, the SCSC reshaped its organisational structure and redrew its jurisdiction to cover the five provinces of Hubei, Hunan, Guangdong, Guangxi and Hainan.

After several adjustments, as Table 2 shows, the SCEPs' duties were expanded from 6 items in 2002 to 11 items since 2007. As for the SCSC, staff member Li Xiangqun illustrated its main activities in the recent years this way (Li 2009):

1. The SCSC checks the emission reduction of the major pollutants in the South China area. It is mainly responsible for inspecting and verifying the related data in this area. In 2008, total national emissions of sulphur dioxide and chemical oxygen demand (COD) fell from the previous year by 5.95 per cent and 4.42 per cent, respectively, and the same indicators in South China are 7.63 per cent and 3.09 per cent.
2. The SCSC mediates the handling of cross-provincial, regional and river basin environmental issues. In 2003 and 2004, the SCSC organised several mediating meetings for preventing and cleaning up water pollution in the Hongshui River, which cuts across the Guizhou and Guangxi provinces, and in the Jiuzhoujiang river basin, which covers parts of Guangdong and Guangxi provinces, thereby

trying to establish a cross-boundary, cooperative, long-term preventative mechanism.

3. The SCSC participates in the investigation and handling of severe and/ or emergent environmental events. Since its reconstruction, it has been involved in helping out with more than 50 environmental accidents. For example, the SCSC acted as the SEPA's front working group for emergency response in handling the cadmium pollution accident at Beijiang, Guangdong Province, in early 2006. Another good example is the environmental pollution accident caused by an aluminium company in Guangxi in March 2008, only 40 kilometres from the border of Vietnam. Owing to the active and skilful efforts of the SCSC, this potential international environmental crisis was successfully prevented.
4. The SCSC participates in special operations for environmental law enforcement. In recent years, the SCSC has conducted more and more special operations inspecting the MEP's environmental law enforcement, which are substantially expanding and deepening the scope of state supervision and inspection of environmental protection at the local level.
5. The SCSC participates in compiling the regulations for environmental supervision and inspections. The SCSC has thus far participated in the compilation of environmental supervision regulations such as the *Interim Procedures on the Supervision of Environmental Pollution in Abandoned Industrial Locations*, *Guidelines for Compiling the Enterprises' Emergency Response Preparatory Plan for Emergent Environmental Accidents*, *A Collection of the Materials Concerning the Special Inspection of Ecological Environmental Protection Law Enforcement in Mines*, *Working Regulations on the Ecological and Environmental Supervision in Mines*, *State Preparatory Plan for Emergent Environmental Events*, *Practical Handbook of Emergency Response to Emergent Environmental Events*, and *Technical Systems for Preventing and Responding to Serious Environmental Pollution Accidents*. They are very helpful for improving the professional quality of environmental supervision and inspection.

If we concentrate on its core functions of supervision and inspection, we can further summarise the activities/ actions of the SCSC by naming these four dimensions between July 2009 and June 2010 (Google 2010):

- From 27 May to 21 June, in response to an official notice by the Environmental Procuratorial Department of the MEP, SCSC offi-

cials conducted a series of supervisions and inspections of areas including Hechi (Guangxi), Qingxiu District (Guangxi), Lingchuan (Guangxi), Yangchun (Guangdong) and Leiyang (Hunan), targeting the local heavy-metal polluting factories and companies. In fact, such actions are regularly undertaken by the SCSC. For instance, it made supervisory trips to Huangshi (Hubei) and Xincheng (Guangxi) on 23 September and 16 December 2009, investigating the environmental problems in relation to the manganese mining and processing enterprises there.

In Leiyang, an administrative division of Hengyang City, the SCSC's action was supported by the Hunan Environmental Procuratorial General Unit. Between May 2009 and April 2010, the municipal (Hengyang) and provincial (Hunan) governments and the Hengyang Agency for Environmental Protection issued many directives and decrees, demanding the county government close the illegal, heavy-polluting factories and companies, but the county government responded very reluctantly and slowly. After this action of supervision led by the SCSC, with the approval of the provincial government, the Hunan Agency for Environmental Protection took a number of stern punishment measurements, including suspending the further environmental approval of economic development projects in the county, stopping allocation of special environmental funds, and so on. Subsequently, the Leiyang government reacted rapidly.

- From July 2009 to May 2010, the SCSC working groups went to Guangzhou (Guangdong), Guigang (Guangxi), Chibi (Hubei), Huanggang (Hubei), Wuzhou (Guangxi) and Lianjiang (Guangdong), among other places, to conduct daily inspections of the implementation of *jienerg jianpai* policy by concentrating on steel, electricity, and manufacturing companies in these areas, received or accompanied by the provincial/ municipal governmental officials as well as their environmental authorities. In addition, they also took some supervisory trips to the Polluted Water Processing Factories at Sihui (Guangdong), Yanling (Hunan) and Yunxian (Hubei).

In Sihui, an administrative section of Zhaoqing City, the SCSC's operation was assisted by the Guangdong Environmental Procuratorial Bureau. Owing to their arduous and smart work, the illegal wrongdoings of one company that processes polluted water from the electroplating enterprises were identified. As a result, this com-

pany was fined 4 million CNY by the Guangdong Agency for Environmental Protection.

- In December 2009, as ordered by the MEP, the SCSC carried out supervisions on the spot of the Beijing-Jiulong Railway Line construction project (Guangdong) and the Dongguan Humen Power Plant (Guangdong), confirming that both were violating national environmental laws and regulations.
- On 24 September 2009, after two successive meetings organised in 2007 and 2008 under the auspices of the Environmental Procuratorial Department of the MEP, the SCSC and the Southwest Centre co-sponsored the third meeting to mediate the dispute between Xinhuang (Hunan) and Yuping (Guizhou) over cross-regional environmental pollutions. The meeting summary released by the Environmental Procuratorial Department of the MEP requires that both sides pay more attention to the management of cross-regional key polluting sources and make more efforts to create a long-term mechanism of mediating mutual environmental disputes.

In September 2009, the SCSC and the North China Centre, together with the Henan Agency for Environmental Protection, co-conducted an investigation of the cross-regional dispute between Xiangfan (Hubei) and Nanyang (Henan) over water pollution in the Tangbaihe Basin. Its major conclusion and policy proposal is that the Nanyang municipal government should further strengthen the management of polluting factories and companies within its jurisdiction, and the two sides should work together to establish a regular and institutionalised mechanism of information-sharing and dispute resolution regarding environmental issues.

In addition, on 29 July 2009, one SCSC working group conducted an investigation on water pollution of the Duobao Reservoir at Jiaoling (Guangdong), which is mainly caused by the rapid development of the pig-breeding industry in Wuping (Fujian). As a response to this investigation, environmental authorities from the two provinces held a meeting in April 2010 to discuss the necessary policy measures to protect the environment of this region.

Of all the operations of supervision and inspection undertaken by the SCSC, the Chenzhou case, which can be categorised as a supervisory operation, is the most illuminating or “representative” one. There were too many heavy-metal polluting factories and companies in the counties of Jiahe and Guiyang, which belong to Chenzhou City, Hunan Province. It is well known that a steady accumulation of heavy metals – such as

lead – in human blood will cause severe health problems, and possibly even death, especially in young children. From June 2007 to August 2009, the Chenzhou Agency for Environmental Protection conducted at least ten environmental supervisions and/ or field investigations, demanding the county Bureau for Environmental Protection take legal actions and suggesting the municipal government close some of the heavy-metal polluting factories and companies, but all of these efforts failed. Until the 2009 disclosure by the media that lots of children there suffered from *gao xueqian* (高血铅, high levels of lead in the blood), and that more than 45 children had *xueqian zhongdu* (血铅中毒, lead poisoning), the county government had no choice but to deal with this problem seriously: More than 113 heavy-metal polluting factories and companies were closed in Jiahe, and a handful of low-level officials were dismissed within a few days.

An interesting question arising from the handling of this environmental disaster – or “accident” (it is absolutely not an accident, in the sense that this problem has already been there for some years) – is that of how to assess the role the SCSC played. It is true that during the SCSC’s supervision trip on 23 March, on behalf of the MEP, it exerted some strong pressure on the local (county/ municipal/ provincial) governments – in fact, a vice-governor of Hunan Province made a situation report to the SCSC on the same day. However, it is a great pity that the SCSC was not able to step into this situation earlier, given that supervising the enforcement of national environmental laws and regulations is one of its key responsibilities. It is unbelievable that the SCSC was not properly and timely informed about the serious confusion in Chenzhou – the Chenzhou Agency for Environmental Protection has strong documentation of on-the-spot supervision and investigation, and there was also no lack of local protesting voices such as “letters of complaint” or petitions. The only question left is why the SCSC was unable to take intervention action earlier.

From the detailed description above, we can easily summarise the SCSC’s three major achievements. First, it dramatically strengthens the state supervision of environmental protection over the local governments, especially in those cases at the county and municipal levels, helping the MEP become better and more quickly informed about the concrete situations of environmental protection and/ or destruction (Li 2010). Second, it offers necessary administrative and legal support and/ or “impetuses” for local environmental protection authorities, making

them feel more authoritative and autonomous in their addressing of environmental issues from a national perspective. Third, it constitutes a valuable supplement for the current vertical system of environmental supervision and management, functioning as a localised “national institutional stage” for cross-provincial, regional and river basin environmental dispute mediation and environmental cooperation promotion. In terms of these, the SCSC’s establishment and operation has undoubtedly been a success, which can also be confirmed by an official assessment of the MEP (Xi 2007).

However, the SCSC is also facing assorted difficulties in fulfilling its designated functions and in attempting to do its job better (Li 2009 and 2010). The first problem the SCSC faces is the unevenness of functions and jurisdictions, or an “empowerment deficit”. As described earlier, the SCSC is both a regional agency of the MEP and an MEP-affiliated institution. That implies that the SCSC can, to some extent, represent the MEP on certain occasions, exercising the power of state supervision and management for environmental protection over the local governments. However, such authorisation for the SCSC from the MEP is clearly limited (both in terms of its supervisory jurisdictions and its official status as a component of the MEP) and mainly follows the case-to-case discussion principle. This will necessarily cause an identity problem for the SCSC itself and the concerned local governments and will consequently weaken the SCSC’s authority and legitimacy in performing its functions. The most illuminating scenario – probably also a very humiliating one for the SCSC – is the emergency response to severe emergent environmental events: The SCSC as the representative on the spot of the MEP is allowed only to investigate and make suggestions, but it lacks real power to mete out punishments and handle emergencies.

The second problem for the SCSC is in relation to the irregular and/ or “top-down” character of its operation mechanism. According to the “Working Rules” (as of 2007) laid down by the MEP, the SCSC is explicitly forbidden from interfering with the daily environmental protection work of local governments in any way. And in reality, as shown in the above analysis in detail, the SCSC is to a great extent bogged down in the temporary work, such as investigation, mediation and emergency response, handed down by the Environmental Procuratorial Department – and more and more from the other departments – of the MEP. The empowerment of the SCSC is on a case-by-case and top-down basis (Li 2010). This gives the SCSC little incentive to work actively and creatively,

which can partly explain its relative “inactivity” – or “inability”, in the Chenzhou case (among others).

The third problem for the SCSC is its limited capability and/ or resources to fulfil all of its designated functions. Partly owing to the restrictions placed on staff members as well as technical facilities, the SCSC has generally focused on the implementation of *jiēnéng jiānpái* national policy, emergency response to severe or emergent environmental events, and other tasks handed over by the MEP. Consequently, the SCSC did not conduct many supervisory or inspection operations concerning other policy areas prescribed by the “Working Rules”, such as the enforcement of environmental laws and regulations in the *yángshǔ qīyè* (央属企业, large, state-owned key factories and companies), and the overall mediation of environmental protection in cross-provincial regions and river basins. It seems quite clear that there is a big gap between the SCSC’s current capacity and resources and the full implementation of its designated functions (Li 2010).

All in all, a fundamental problem for the SCSC is that a clearly defined and closely cooperative relationship among the three actors – the MEP, the SCSC and the local governments – still does not exist. For the MEP, the SCSC is only taken as a subordinate and functional *sījújí shìyè wèiyuán dǎnwèi* (司局级事业单位, quasi-department institution) located outside of Beijing. Thus, the key feature of their relationship is that the latter should listen to the imperatives of the former rather than conduct any kind of “equal” or cooperative discussion about how to better implement environmental laws and policy. For the local governments, including their environmental authorities, the SCSC is mainly regarded as a regional office of the MEP that observes rather than acts. Thus, the key property characterising their relationship is that the former probably treats the latter very politely but does not take it really seriously, a very common phenomenon, which can also be observed in other regions such as Shandong Province (Li 2010; Xie and Huo 2009). In this context – lacking both empowerment from above and sincere cooperation from below – the most rational strategy for the SCSC would be to shake off any substantial responsibility to the MEP by strictly obeying its orders, willingly or unwillingly, rather than supervising the enforcement of national environmental laws and policies more actively and creatively.

Moving toward Regional Sub-Bureaus?

As the detailed analysis of the SCSC has shown, although the SCEPs do have certain advantages such as their narrowly defined supervision and inspection focus and the relatively small size of the organisation (thus easily manageable and less costly), they have unavoidable and obvious defects/ disadvantages (Cao 2009; Li 2007; Tao 2007; Xi 2007). One disadvantage is the embarrassing position of the SCEPs in relation both to the MEP and to local governments, including the local environmental authorities. In general, the SCEPs are not fully empowered as the MEP's "delegate" at the regional level, and consequently, they cannot play an authoritative role in supervising and guiding the local environmental protection and management. Partly because of this problem of "power/identity deficit", the SCEPs are even unable to perform their functions well as information-gathering and dispute-mediating institutions of the MEP (Han 2009; Xu 2007; Zhang 2007).

The most desirable way for the SCEPs to overcome this shortcoming is for them to be reshaped into regional "sub-bureaus" or "environmental procuratorial bureaus" of the MEP, which will be fully authorised to address the environmental issues within their jurisdictions. As the actions undertaken by the SCEPs in the recent years have proven, there is no doubt that it is necessary to establish and strengthen these regional centres of the MEP to supervise and inspect the enforcement of national environmental laws and policies at the local levels. Local environmental authorities are currently quite often incapable and/ or unable to completely fulfil their legal duties, and the SCEPs today encounter many obstacles, such as an empowerment deficit, a lack of independence and autonomy, and limited capability and resources to perform their committed functions (Du 2007; Qi 2008; The Southwest Centre 2008). Thus, a logical policy choice is to equip the SCEPs with more administrative power, more operational independence and more available resources, which will sooner or later lead them to become regional "sub-bureaus" of the MEP (Cai 2007; CEEP 2007).

If that becomes true, the enhanced SCEPs will have a clearly defined identity as regional sub-bureaus of the MEP, constituting a formal intermediate level between the central and the local (provincial) environmental authorities, with full powers and jurisdictions of environmental supervision and management as a subordinate department of the MEP rather than a second-tier affiliated institution thereof. Accordingly, the

current functions and jurisdictions of the SCEPs need to be redesigned and/ or redistributed (Li 2009; Ma 2007).

There are at least two benefits from such a reconstruction of the SCEPs. First, it will bring about a clearer and more reasonable division of powers and jurisdictions between the MEP and the SCEPs, decentralising more substantial duties of environmental supervision and management and powers from the MEP to the SCEPs. In doing so, it will give the former more time and energy to deal with the general issues relating to the environment and development at the national level, and make the latter a more authoritative and active player in dealing with the local government relations. Furthermore, given the complexity of local environmental issues, the SCEPs should have more powers of jurisdiction in executing their duties/ responsibilities than other component departments of the MEP.

Second, reconstructing the SCEPs can substantially improve the state supervision and management of environmental protection over local governments. More powerful and capable SCEPs will make local governments, including the environmental authorities, treat them more seriously. On the one hand, the reconstructed SCEPs will be legally regarded as the foremost regional-level governmental agency (at least as an integral part of the MEP) with full authority to deal with environmental issues within their jurisdictions. In that case, the local governments (especially the economic authorities) will have no choice but to take a more environmentally cautious attitude in their decision-making. On the other hand, the local environmental authorities will find a reliable and helpful partner in their efforts to enforce environmental laws and regulations.

In addition, such a reformation can be one integral part of an even larger process: the enhancement of the MEP as a fully-fledged “environmental state”. In 2008, the MEP officially received its formal status as a governmental ministry, which means not only the further gaining of administrative powers regarding the environmental issues, but also the full authorisation of environmental supervision and management on behalf of the central government. That implies, except for the internal reorganisation, that the MEP should also consider taking some measures to streamline its relationship with the local environmental authorities, and the reshaping of the established SCEPs into regional sub-bureaus can be ranked as a top priority. Although this process has been to some extent delayed (for many reasons), it seems quite sure that the organisational expansion of the MEP – both in terms of power and size – will

not be restricted by the tenet of *xiao zhengfu, da shehui* (小政府, 大社会, small government, large society) (Xia 2007). And from my point of view, the same logic can be applied to explain and predict the development of the SCEPs.

Unsurprisingly, such an attractive future for the SCEPs is far from certain. Indeed, there are some non-negligible restricting factors, at least from a short-run perspective. First, the MEP is probably not strong enough to lead the process of creating a cooperative and complementary structure of environmental governance among the major actors in Chinese society today – namely, the MEP, the SCEPs, the enterprises and the local governments (Jahiel 1998; Ma and Ortolano 2000) – within which the SCEPs can play a more effective and constructive part. Obviously, to achieve that structure would not be just a question of how to empower the SCEPs and/ or adjust their functions and jurisdictions by the MEP, but one of how to reorient or redefine the functions and jurisdictions of all the major actors including the MEP itself in the ongoing process of modernisation in China (Mol and Carter 2006). In other words, to dramatically improve the performance of the SCEPs, it is not enough to just focus on how to reshape the vertical dimension of environmental governance. Rather, a new institutional framework guided by a more comprehensive perspective combining both vertical and horizontal considerations must be created. Undoubtedly, this is far beyond the reach of the MEP of today (Cao 2009; He 2008).

Second, there is still a long way to go before a political consensus between the central and local governments can be formed to make concerted efforts to protect the environment. The establishment and operation of the SCEPs is based upon a common assumption: that local governments, as the major shield of polluting industries, are the political responsibility-holders or “co-conspirators” in the ever-deteriorating environment, and thus are the objects of state supervision and inspection (Cai 2007; Liu 2006; Qi 2008; Zhao 2006). And as the SCEPs’ experiences tell us, this assumption can on many occasions be proved. Moreover, in China, due to the lack of a developed environmental civil society (Lu 2007; Martens 2006; Yang 2005), the SCEPs too often must directly confront the local governments, including their environmental authorities, to correct or penalise the local wrongdoings of those who violate national environmental laws, regulations and standards. But in order to achieve the short-run or long-run goals of the SCEPs (improving state supervision and management of nationwide environmental protection

and realising a comprehensive green transformation), local governments are absolutely needed to be attracted or “encouraged” as a promoter rather than a troublemaker (Pan 2009). In this sense, further empowering the SCEPs should never be conceived of or taken as the MEP starting a war for power with the local governments. Of course, this is a game consuming both time and energy. In this regard, the Southwest Centre, led by the late “warrior” Ma Ning, offered vivid but more often painful experiences, especially in its first year of operation (The Southwest Center 2008).

Third, the SCEPs themselves still have a lot to learn from the experiences of regional office models in the US and other developed countries (Yang and Xie 2002; Yi 2005; Yu 2006). The key point here is how to build up their profile as a sincere and capable helper rather than just an inspector on behalf of the state (Beijing). For example, they could initiate some locally targeted ecological recovery projects, environmental pollution prevention and cleaning projects, and small research and training programmes (Li 2009). Only by doing so can the SCEPs not only establish their positions within the ever-expanding organisational framework of the MEP, but also find the most appropriate ways to fulfil their functions.

Concluding Remarks

Generally speaking, establishing the SCEPs is a concrete embodiment of the “green will” of the Chinese government: to reverse the ever-worsening environmental situation throughout China by strengthening vertical supervision and managing the enforcement of environmental laws and policies and thus building a more powerful and capable MEP or “environmental state”. The analysis of the SCSC has clearly shown that the SCEPs today are performing much better in the concrete or “small” tasks – most of them designated or handed over by the MEP – than in the complicated or “big” issues such as the Chenzhou case and several cross-provincial water pollution cases. To make the SCEPs do more and better, one desirable but radical policy option is to reshape them into regional “sub-bureaus”, holding the fully authorised powers and jurisdictions as a “delegate”, rather than a “representative”, of the MEP at the regional level. To date, however, there is no discernible sign that the MEP intends to do so (Zhou 2011).

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